HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.6266 OF 2006

DATE:31.03.2006

Between:

M.Muni Ratnam Naidu

..... PETITIONER

AND

The Revenue Divisional Officer,

Tirupathi, Chittoor District & another.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.6266 OF 2006

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus to direct the second respondent to release the essential commodities to the fair price shop of the petitioner, situated at Venugopalapuram village, B.N.Kandriga Mandal, Chittoor District, for distribution to the card holders for the month of March 2006.

It is not in dispute that on 31.7.2005 the villagers of Nelavol found the illicit transport of 50 litres of Blue kerosene in milk van and handed over the same to the Station House Officer, B.N.Kandriga and on enquiry, the driver of the milk van stated that the kerosene was loaded at Kammavaripalem village by the tractor driver of the petitioner. Basing on that, the first respondent suspended the authorization of the petitioner on 27.8.2005. After conducting a detailed enquiry, the first respondent through his proceedings, dated 5.1.2006 imposed a fine of Rs.500/- on the petitioner with a direction to the second respondent to allot the essential commodities to the fair price shop of the petitioner after collecting the fine amount. According to the petitioner, he paid the fine amount of Rs.500/- on 21.3.2006 vide challan No.2924, dated 20.1.2006 and on 21.3.2006 an amount of Rs.16,843/- was also paid through D.D.No.568138 for drawing the essential commodities for the month of March, 2006 to distribute the same to the card holders. Complaining that in spite of depositing the amount for the month of March, 2006, the respondents have not released the essential commodities, the present writ petition is filed.

Clause 23 (2) (a) of the A.P. Public Distribution System Control Order, 2001 specifies that demand drafts have to be remitted first to fifth of every month by the dealer for lifting the essential commodities for enabling to distribute the commodities through the fair price shop. In the present case, since the petitioner has not remitted the demand draft within the time stipulated under the above Clause, he cannot complain about non-release of the essential commodities for the month of March, 2006. In view of the same, no mandamus can be issued to the respondents as sought for. However, it is open for the petitioner to approach the respondents requesting to supply the essential commodities for the month of April, 2006 on the demand draft already remitted.

With the above observation, the Writ Petition is dismissed. No costs.

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A. GOPAL REDDY, J

31st MARCH, 2006.

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